

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

28.02.2025
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C.R.R. No. 4096 of 2024

In Re : An application under Section 528 of BNSS.
And
In Re : Rita Senpetitioner

Mr. S.S. Roy
Mr. Hironlal Majumder
Ms. Payel Roy Mishra
Ms. Madhuja Ritwika
..... for the petitioner

1. Learned Counsel for the petitioner submits opposite party no. 1 had dishonestly induced her to enter into a contract of sale and cheated her of the initial deposit made under the agreement. When she demanded refund impugned criminal proceeding was instituted. She has also lodged FIR against opposite party no. 1 which has ended in a charge-sheet.

2. I have considered the allegations in the impugned petition of complainant in light of attending circumstances viz. FIR registered against opposite party alleging cheating which has ended in the charge-sheet. Viewed from this backdrop petitioner has made out an arguable case that the ingredients of the offence of extortion are wholly baseless.

3. Accordingly, I direct copy of the petition be served upon opposite party no. 1 through registered/speed post with acknowledgement due and opposite party no. 2/State through

the office of the learned Public Prosecutor, High Court, Calcutta and affidavit-of-service be filed on the next date of hearing.

4. Let this matter appear under the heading “Contested Application” four weeks from date.

5. There shall be stay of operation of the proceedings being complaint case no. CS/81613 of 2022 under Sections 384/387/389/506/504 of the Indian Penal Code pending before the learned Metropolitan Magistrate, 19th Court, Calcutta, for a period of six weeks from date or until further orders, whichever is earlier.

6. Liberty is given to the parties to pray for extension and/or vacation and/or modification of this order upon notice to the other side.

7. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)